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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD BACH,

Plaintiff,

v.

SERGIO BAMBAREN, a foreign individual;
and HAY HOUSE, INC., a California
corporation,

Defendants.

Case No.

09-1787 RSL

COMPLAINT FOR DAMAGES AND
DECLARATORY AND INJUNCTIVE
RELIEF



09-CV-01787-CMP

I. NATURE OF THE ACTION

1. This is an action for declaratory relief, damages, and to permanently enjoin the publication, advertisement, sale and any other distribution or dissemination of a book entitled *The Dolphin: Story of a Dreamer*, written by Defendant Sergio Bambarén ("Bambaren"), and published by Defendant Hay House, Inc. ("Hay House"), on grounds that it is an unauthorized copy and/or derivative work of the novel *Jonathan Livingston Seagull: a Story*, written by Plaintiff Richard Bach ("Bach").

2. *Jonathan Livingston Seagull* is one of the best-selling novels of all time. In 1972, it sold over a million hardcover copies, breaking a record previously set by *Gone with the Wind*, and it was number one on the *New York Times* best-seller list for over nine months. By 1975, including paperback sales, it had sold over nine million copies in the English language alone. Since then it has sold many millions of additional copies in the United States and the rest of the world, and it has been translated into more than forty languages.

COMPLAINT FOR DAMAGES AND DECLARATORY
AND INJUNCTIVE RELIEF - 1

PHILLIPS LAW GROUP, PLLC
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Summons issued SEA 31222

3. Bambaren's book, *The Dolphin*, published by Hay House, infringes the copyrights in *Jonathan Livingston Seagull* because it copies the characters, theme, narrative arc, structure, format, mood, setting, pace, detailed plot, incidents and story line, dialogue and text of *Jonathan Livingston Seagull* in virtually every respect, and, in numerous key passages, identically and word-for-word.

4. Accordingly, Bach seeks a judgment and order from this Court declaring that *The Dolphin* infringes Bach's copyrights in *Jonathan Livingston Seagull* and his exclusive right to copy and/or create works derivative of *Jonathan Livingston Seagull*, permanently enjoining Defendants from publishing, advertising, selling or otherwise distributing or disseminating the infringing work, and any derivative works that also infringe Bach's copyright, and awarding Bach, at his election, actual damages and/or Defendants' profits, or statutory damages, along with prevailing party attorney's fees and costs incurred in this action.

II. JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a) because this action arises in whole or in part under the copyright law of the United States.

6. This Court has personal jurisdiction over Defendants by virtue of their transacting, doing and soliciting business in this District, because a substantial part of the property and harms that are the subject of this action occurred or are situated here, and pursuant to Federal Rule of Civil Procedure 4(k)(2), and consistent with the United States Constitution, the laws of the United States, and other applicable laws.

7. Venue in the Western District of Washington is proper pursuant to 28 U.S.C. §§ 1391(b), (c) & (d) and 1400(a).

III. THE PARTIES

8. Plaintiff Richard Bach is the acclaimed author of numerous works including *Illusions: The Adventures of a Reluctant Messiah*, *Stranger to the Ground*, *Biplane*, *Nothing by Chance*, *There's No Such Thing as Far Away*, *A Gift of Wings*, *The Bridge Across Forever*, *One*,

1 *Running from Safety*, *Hypnotizing Maria*, and, most relevantly, *Jonathan Livingston Seagull*. He
 2 is a resident of the State of Washington, residing near Eastsound, Washington, in the Western
 3 District of Washington.

4 9. Defendant Sergio Bambarén is a foreign citizen who resides in or near Lima,
 5 Peru. He is the author of *The Dolphin*. According to his website, www.sbambaren.com, he was
 6 born in Lima, Peru in 1960, and was educated at a British high school before attending Texas
 7 A&M University, where he received a degree in Chemical Engineering.

8 10. Defendant Hay House, Inc. is a California corporation with its principal place of
 9 business at 2776 Loker Avenue W., Carlsbad, California 92010. Hay House is the United States
 10 publisher of *The Dolphin*.

11 IV. FACTUAL BACKGROUND

12 *Jonathan Livingston Seagull: A Story*

13 11. Bach's novel, *Jonathan Livingston Seagull: A Story* ("JLS") was first published in
 14 the United States in 1970, followed by numerous later editions and re-printings both in English
 15 and in over forty foreign languages.

16 12. Copies of the valid and subsisting copyright registrations to *Jonathan Livingston*
 17 *Seagull* held by Bach are attached as Exhibit A.

18 13. Bach has gone to great lengths to preserve and protect the artistic and spiritual
 19 integrity of *Jonathan Livingston Seagull* and to police and uphold the copyrights in his book.

20 *The Dolphin: Story of a Dreamer*

21 14. Bambaren's novel, *The Dolphin: Story of a Dreamer* ("Dolphin") was originally
 22 self-published by Bambaren and printed by McPhersons Printing Group in Victoria, Australia in
 23 1995.

24 15. *Dolphin* was first published by Defendant Hay House in the United States in a
 25 small hardcover edition release in 1997.

26 16. *Dolphin* was re-released by Hay House in the United States in a substantially
 27 larger paperback edition release in 2008.

1 17. According to Bambaren's blog, www.sergiobambarenblog.com, he wrote *The*
2 *Dolphin* after having a "kind of catharsis" on a beach north of Lisbon.

3 18. In Bambaren's words, "... one night I had some kind of catharsis: suddenly I felt
4 a strong impulse to open my lap-top and start writing. Four weeks later, when I finished writing
5 what I had to write, I closed my laptop." (<http://www.sergiobambarenblog.com/?p=24>).

6 19. According to Hay House's website, www.hayhouse.com, *The Dolphin* has sold
7 "more than 10 million copies sold worldwide." (www.hayhouse.com/details.php?id=3704)

8 **Substantially Similar Characters**

9 20. The hero of *JLS*, Jonathan Livingston Seagull, is an anthropomorphic animal
10 character with a three-part, eight-syllable name, including a formal middle name ("Livingston"),
11 and a surname that identifies the type of animal he represents.

12 21. Similarly, the hero of *Dolphin*, Daniel Alexander Dolphin, is an anthropomorphic
13 animal character with a three-part, eight-syllable name, including a formal middle name
14 ("Alexander"), and a surname that identifies the type of animal he represents.

15 22. Jonathan Livingston Seagull's student, Fletcher Lynd Seagull, has a three-part
16 name, again including a surname that identifies the type of animal he represents.

17 23. Similarly, Daniel Alexander Dolphin's student, Michael Benjamin Dolphin, has a
18 three-part name, again including a surname that identifies the type of animal he represents.

19 24. Jonathan Livingston Seagull is a nonconformist who has a unique vision that
20 transcends the conventional wisdom of his society. Jonathan expresses his nonconformity
21 through diligent practice and achievement of excellence at a skill – flying – that all seagulls
22 possess to some degree but which they fail to develop.

23 25. Similarly, Daniel Alexander Dolphin is a nonconformist who has a unique vision
24 that transcends the conventional wisdom of his society. Daniel expresses his nonconformity
25 through diligent practice and achievement of excellence at a skill – surfing – that all dolphins
26 possess to some degree but which they fail to develop.

Substantially Similar Theme and Narrative Arc

26. The theme of both *JLS* and *Dolphin* is that to achieve our real nature and the true purpose of our lives, we need to pursue the activities that we love and set aside the things that limit us. This theme is personified in the characters of Jonathan Livingston Seagull and Daniel Alexander Dolphin, who each find and follow a higher purpose for living than mere survival.

27. In *JLS*, Jonathan Livingston Seagull pursues the activity he loves – flying – as an end in itself and is forced to leave his society because he violates the rules of the Flock. He then goes on a quest to pursue flying for its own sake and to discover his true self. In the course of his journey he is enlightened both by his own experiences and by the teachings of wise elders and other characters whom he meets along the way. He then returns to the Flock to share what he has learned. After he shares his message with those who are receptive to it, he vanishes into the air, leaving behind his students and followers to carry his message forward.

28. Similarly, in *Dolphin*, Daniel Alexander Dolphin pursues the activity he loves – surfing – as an end in itself and leaves his society when he is rejected for violating the rules of the Pod. He then goes on a quest to pursue surfing for its own sake and to discover his true self. In the course of his journey he is enlightened both by his own experiences and by the teachings of wise elders and other characters whom he meets along the way. He then returns to the Pod to share what he has learned. After he shares his message with those who are receptive to it, he vanishes into the sea, leaving behind his students and followers to carry his message forward.

Substantially Similar Structure and Format

29. The structure and format of *JLS* and *Dolphin* are substantially similar. The full title of *JLS* is *Jonathan Livingston Seagull: A Story*. Similarly, the full title of *Dolphin* is *The Dolphin: Story of a Dreamer*.

30. The book jacket of *JLS* is a photograph of a single seagull. Similarly, the book jacket of *Dolphin* is a photograph of a single dolphin.

31. The text on the *JLS* book jacket states that “**there’s more to this whole living thing than meets the eye . . .**” The text on the *Dolphin* book jacket states that “**there is more to**

1 **life than meets the eye . . .**¹

2 32. The dedication page of *JLS* says, “**To the real Jonathan Seagull who lives**
3 **within us all.**” The dedication page of *Dolphin* says, “**To the dreamer within us all.**”

4 33. *JLS* opens with a photograph showing the sun rising over a calm ocean. *Dolphin*
5 also opens with a photograph showing the sun rising over a calm ocean.

6 34. *JLS* is a short work of 93 numbered pages, consisting of Part One, Part Two and
7 Part Three. Similarly, *Dolphin* is a short work of 89 numbered pages, consisting of Part One,
8 Part Two and Part Three.

9 35. Part One of *JLS* is Jonathan Livingston Seagull’s life with and rejection by the
10 Flock. Part One of *Dolphin*, likewise, is Daniel Alexander Dolphin’s life with and rejection by
11 the Pod.

12 36. Part Two of *JLS* is Jonathan Livingston Seagull’s journey and learning from
13 travels to distant places and meeting others. Part Two of *Dolphin*, likewise, is Daniel Alexander
14 Dolphin’s journey and learning from travels to distant places and meeting others.

15 37. Part Three of *JLS* is Jonathan Livingston Seagull’s return to the Flock, teaching,
16 and disappearance. Part Three of *Dolphin*, likewise, is Daniel Alexander Dolphin’s return to the
17 Pod, teaching, and disappearance.

18 38. Both works are illustrated with full-page, black and white photos showing the
19 animal character (Jonathan Livingston Seagull, Daniel Alexander Dolphin) on his quest. The
20 seagull photos naturally show an airborne Jonathan often with the sky as backdrop. A number of
21 the dolphin photos also show an airborne Daniel with the sky as backdrop.

22 **Substantially Similar Mood, Setting, and Pace**

23 39. The mood, setting, and pace of *JLS* and *Dolphin* are substantially similar. Both
24 works create and evoke a mood of yearning for excellence and individual enlightenment which is
25

26 ¹ In this Complaint, the references and page citations to *JLS* refer to the original hardcover
27 edition first published by Macmillan Company in 1970, and the corresponding references and
page citations to *Dolphin* refer to the paperback edition first published by Hay House in 2008.

1 commonly suppressed by conformity to group practice, and satisfy the wish for the outnumbered
2 individual's ideas and practice to prevail and break the tyranny of society's rules and dogma.

3 40. The setting of both works is the medium natural to the hero's species (the sky, the
4 sea) against the background of the cultural construct of the hero's society (the Flock, the Pod).

5 41. The pace of the works is also almost identical. In each work, the hero begins by
6 briefly pursuing the activities of his society. He then has a swift epiphany about the necessity of
7 pursuing the thing he loves. He is promptly ostracized, and then leaves his society and goes on
8 an extended journey of self-discovery. After numerous adventures, the hero then returns and
9 spends a relatively short time teaching what he has learned, and then disappears forever. Both
10 works then end with a brief discussion of the hero's legacy and of how his message will be
11 carried forward by his students and followers.

12 **Copying of Detailed Plot, Incidents, and Story Line**

13 42. The details of plot, incidents, and story line of *JLS* and *Dolphin* are substantially
14 similar. In each work: (1) the hero (Jonathan Livingston Seagull, Daniel Alexander Dolphin)
15 considers, and then through diligent practice discovers, a new realm of possibility in his species'
16 traditional activity (flying, swimming); (2) the hero is then discouraged from his nonconformist
17 attitude by his society (the Flock, the Pod) and urged to conform; (3) the hero's avid pursuit of
18 the activity he loves (to fly, to surf) overcomes his allegiance to the norms of his society (the
19 Law of the Flock, the Law of the Pod); (4) the hero then leaves the group and pursues a solitary
20 search for skill and self-knowledge; (5) through his quest the hero gains a higher understanding
21 of his true purpose from his interactions with others who share their wisdom and demonstrate
22 their own special skills (skilled fliers, skilled surfers); (6) the hero then returns to his society and
23 shares what he has learned with a now more accepting society; (7) after the hero has shared his
24 message, he disappears (into the sky, into the sea); and (8) each work ends with the hero's
25 students and followers carrying his message forward.

26 43. *Dolphin* and *JLS* each develop these common details of plot, incidents and story
27 line through the following sequence of scenes and events:

<i>JLS</i>	<i>Dolphin</i>
Quiet morning sea	Quiet morning sea
Seagull practicing flight to exhaustion	Dolphin practicing surfing to exhaustion
More than all else, Jonathan loved to fly	More than all else, Daniel loved to surf
Jonathan wanted to share what he had learned	Daniel wanted to share what he had learned
This brought problems with the Flock	This brought problems with the Pod
They didn't understand his motives	They didn't understand his motives
They make case against flying	They make case against surfing
Parents appeal to him to quit his flying	Friend appeals to him to quit his surfing
He is banished by the Flock	He decides to leave the Pod
He is lonely, but has no regrets	He is lonely, but has no regrets
He learns to fly better than ever before	He learns to surf better than ever before
He meets two skillful gulls	He meets two skillful surfers
He returns to the Flock	He returns to the Pod
He teaches others	He teaches others
He disappears into the air	He disappears into the sea
His student carries on his legacy	His student carries on his legacy
Student promises to teach him when they meet again someday	Student promises to teach him when they meet again someday

44. These details of the plot and story line of *JLS* and *Dolphin* are rendered in a series of scenes and events that correspond virtually point-by-point, often using exactly the same words and phrases at pivotal junctures in the narrative. For example:

a) *JLS* and *Dolphin* each begin with a quiet morning sea:

JLS (p. 13): "It was morning and the new sun sparkled gold across the ripples of an empty sea."

Dolphin (p. 3): "The first rays of the morning sun filtered gently . . . in the middle of a deep blue sea."

b) Jonathan Livingston Seagull and Daniel Alexander Dolphin both practice the activity they love (flying, surfing) to the point of exhaustion, but they are both happy:

JLS (p. 27): "He discovered the loop, the slow roll, the point roll, the inverted spin, the gull bunt, the pinwheel. When Jonathan Seagull joined the Flock on the beach, it was full night. He was dizzy and terribly tired. Yet in delight he flew a loop to landing . . ."

Dolphin (p. 3): "[T]he lone dolphin managed a beautiful cutback and exited the wave with a magnificent pull-out. He decided that this would be the last wave he'd surf this morning, so he swam into the island's lagoon, exhausted but happy."

c) Jonathan and Daniel love the activity (flying, surfing) more than anything else:

JLS (p. 14): **"More than anything else, Jonathan Livingston Seagull loved to fly."**

Dolphin (p. 4): **"Indeed, more than anything else, Daniel Dolphin loved to surf."**

d) Jonathan and Daniel both spend whole days pursuing the activity (flying, surfing) as an end in itself, and not just a means to an end; they do it for its own sake and not simply as a means to get food and survive:

JLS (p. 14): **"Jonathan spent whole days alone, making hundreds of low-level glides, experimenting."**

Dolphin (p. 10): **"He spent whole days surfing the reef . . ."**

e) And:

JLS (p. 14): **"I just want to know what I can do in the air and what I can't, that's all."**

Dolphin (p. 6): **"I just want to know what I can learn from the sea and surfing. That's all."**

f) And

JLS (p. 54): **"[T]here is more to life than eating, or fighting, or power in the Flock"**

Dolphin (p. 4): **"[T]here was more to life than fishing and sleeping."**

g) Jonathan and Daniel both want to share with their group (the Flock, the Pod) what they have discovered from their days of practice:

JLS (p. 27): **"When they hear of it, he thought, of the Breakthrough, they'll be wild with joy. How much more there is now to living! Instead of our drab slogging forth and back to the fishing boats, there's a reason to life! We can lift ourselves out of ignorance, we can find ourselves as creatures of excellence and intelligence and skill. We can be free!"**

Dolphin (p. 10): **"If only I could find a way to show them the freedom I feel when surfing," he said to himself, "Maybe they would realize how important it is to follow your dreams."**

h) Jonathan's and Daniel's families and friends beg them to conform and to focus on simply living to eat and survive:

1 *JLS* (pp. 14-15): “‘Why, Jon, *why*,’ his mother asked. ‘Why is it so hard to be like
2 the rest of the flock, Jon?’ ... ‘If you must study, then study food, and how to get
it.’”

3 *Dolphin* (p. 6): “Michael Benjamin Dolphin, Daniel’s best friend, came to him and
4 asked, ‘What do you think you’re doing, Daniel? Why are you risking your life in
the reef? ... Why don’t you spend your time catching more fish instead of wasting
it surfing the reef.”

5 i) Jonathan and Daniel are both told that some day they will realize that they must
6 act responsibly and conform to the rules of their societies:

7 *JLS* (p. 34-35): “[O]ne day, Jonathan Livingston Seagull, you shall learn that
8 irresponsibility does not pay.”

9 *Dolphin* (p. 7): “Someday, Daniel, you’ll grow up and see things the way the rest of
10 the pod sees them.”

11 j) By refusing to conform to a life of struggle for survival and devoting themselves
12 instead to the activities they love (flying, surfing), Jonathan and Daniel both violate the rules of
their societies (the Law of the Flock, the Law of the Pod):

13 *JLS* (pp. 77, 78, 83): “the Law of the Flock”

14 *Dolphin* (p. 22): “the Law of the pod”

15 k) And:

16 *JLS* (p. 15): “Don’t you forget that the reason you fly is to eat.”

17 *Dolphin* (p. 6): “[I]nstead of fishing to live, they now live to fish.”

18 *Dolphin* (p. 73): “[T]he reason to live was to fish as much as we could.”

19 l) Instead of conforming to the laws of their groups, Jonathan and Daniel choose to
20 follow their own paths:

21 *JLS* (p. 35): “Who is more responsible than a gull who finds and follows a meaning,
22 a higher purpose in life?”

23 *Dolphin* (p. 6): “What can be more important in life than to follow your dreams ...”

24 m) Because Jonathan and Daniel refuse to fit in and insist on pursuing what they
25 love, they are compelled to leave:

1 *JLS* (p. 34): “‘Jonathan Livingston Seagull,’ said the Elder, ‘Stand to Center for
2 Shame in the sight of your fellow gulls!’ . . . To be centered for shame meant that he
3 would be cast out of gull society, banished to a solitary life on the Far Cliffs . . .”

4 *Dolphin* (p. 24): “. . . he would leave the Pod, but this time he would not return.”

5 n) After leaving, Jonathan and Daniel are lonely and isolated, but they do not regret
6 leaving their groups behind to pursue their goal:

7 *JLS* (p. 36): “What he had once hoped for the Flock, he now gained for himself
8 alone; he learned to fly, and was not sorry for the price that he had paid.”

9 *Dolphin* (p. 8): “He had chosen to live his life based on his own principles, and
10 although he was sometimes lonely, he had no regrets.”

11 o) After Jonathan and Daniel leave, they keep practicing and improving the skills
12 they love (flying, surfing):

13 *JLS* (p. 53): “In the days that followed, Jonathan saw that there was as much to
14 learn about flight in this place as there had been in the life behind him.”

15 *JLS* (p. 60): “Jonathan learned at a tremendous rate.”

16 *Dolphin* (10): “Daniel learned fast in the days and weeks that followed.”

17 p) Jonathan and Daniel also both wonder if there might be others like them who
18 might learn and find a higher purpose, too:

19 *JLS* (p. 62): “[H]e couldn’t help but think that there might be one or two gulls back
20 on Earth who would be able to learn, too. How much more would he have known
21 by now if Chiang had come to him on the day that he was Outcast!”

22 *Dolphin* (p. 25): “This made him think that he should stay a little longer, just in case
23 there was someone like him, also trying to find a higher purpose in life.”

24 q) Jonathan and Daniel push themselves to their limits, improving their technique
25 (flying, surfing) and reaching levels of skill never reached before. By ignoring limits imposed
26 by others, they discover their true nature and “higher purpose” in life:

27 *JLS* (p. 76): “[P]recision flying is a step toward expressing our real nature.
Everything that limits us we have to put aside. That’s why all this high-speed
practice, and low-speed, and aerobatics . . .”

Dolphin (pp. 22-23): **"He understood what all the practice, all the hours spent improving his technique and increasing his confidence and strength had been for. He had to take the big leap into the unknown, far away from the safety of the reef, to go to a place in the world where the rules that governed the pod no longer had significance or value. In order to find the real purpose of his life, Daniel Dolphin had to set aside everything that limited him."**

r) And:

JLS (p. 35): **"[A] gull who finds and follows a meaning, a higher purpose for life?"**

Dolphin (p. 25): **"[S]omeone like him, also trying to find a higher purpose in life."**

Dolphin (p. 72): **"... his dream to find a higher purpose in life"**

s) Jonathan and Daniel both proceed through a series of stages, teachers and realizations as they move from one level of development and understanding to the next:

JLS (p. 47): **"But you can, Jonathan. For you have learned. One school is finished, and the time has come for another to begin."**

Dolphin (p. 14): **"You have learned well, Daniel, and a new stage of life will now begin"**

t) And:

JLS (p. 47): **"[S]o understanding lighted that moment for Jonathan Seagull. They were right. He could fly higher, and it was time to go home."**

Dolphin (p. 23): **"[N]ow understanding lit Daniel's heart and he realized ..."**

u) And:

JLS (p. 26): **"His thought was triumph. 'Terminal velocity!'"**

JLS (p. 59): **"Good!" said Chiang, and there was victory in his voice.**

Dolphin (p. 23): **"[T]here was triumph in his voice."**

v) Jonathan and Daniel both encounter wise teachers who come from far away and somehow already know Jonathan and Daniel (even though they haven't met before) and who share their wisdom in words that are "strong and calm":

JLS (p. 46): **"They came in the evening, then, and found Jonathan gliding peaceful and alone through his beloved sky ... 'Very well,' [Jonathan] said, 'who are you?' 'We're from your Flock, Jonathan. We are your brothers.'"**

Dolphin (p. 45): **"The old dolphin's expression quickly changed. 'Are you the one looking for the perfect wave?' he asked ... Daniel couldn't believe what he was hearing. 'How do you know that?'"**

1 w) And:

2 *JLS* (p. 46): "**The words were strong and calm.**"

3 *Dolphin* (p. 45): "**The words were strong and calm.**"

4 x) Jonathan and Daniel each hear a "voice" at one point that startles him and causes
5 him to lose his balance:

6 *JLS* (p. 64): "**The voice came inside his own head, and though it was very gentle, it**
7 **startled him so much that he faltered and stumbled in the air.**"

8 *Dolphin* (p. 10): "**[S]uddenly, he heard a voice . . . In his confusion, Daniel lost his**
9 **balance and almost got washed in to shore.**"

10 y) After Jonathan and Daniel develop the skills they love (flying, surfing) to a high
11 level, they both encounter others who are also unusually skilled at that activity (two seagulls, two
12 surfers), and they both then put these others to a test, which the others pass:

13 *JLS* (p. 46): "**Jonathan put them to his test . . . They dropped with him, streaking**
14 **down in flawless formation.**"

15 *Dolphin* (p. 61): "**Daniel Dolphin decided to put them to the test . . . Daniel**
16 **performed his best maneuvers before pulling out of the wave. The strange surfer**
17 **matched Daniel's abilities.**"

18 z) And:

19 *JLS* (p. 46): "**The two radiant birds slowed with him, smoothly . . . They knew**
20 **about slow flying.**"

21 *Dolphin* (p. 61): "**[T]hese creatures knew how to surf.**"

22 aa) After acquiring wisdom and perfecting their skills, Jonathan and Daniel both
23 decide they must then return to the groups they left (the Flock, the Pod) to share what they have
24 learned:

25 *JLS* (p. 77): "**Jonathan said the time had come to return to the Flock.**"

26 *JLS* (p. 34): "**I want only to share what I've found . . .**"

27 *Dolphin* (p. 69): "**Daniel Dolphin felt that it was time to go back . . . It was time to**
28 **share the truth he had found with the pod.**"

29 bb) Their followers say Jonathan and Daniel are special, but they (or the narrators)
30 disagree and say that they are no more special than anyone else:

1 JLS (p. 83): "You are special and gifted and divine, above other birds."

2 Dolphin (p. 71): "That's probably because you're special. . ."

3 cc) And:

4 JLS (p. 83): Jonathan answers, "'Look at Fletcher! Lowell! Charles-Roland! No
5 more than you are, no more than I am. The only difference, the very only one, is
6 that they have begun to understand what they really are and have begun to practice
7 it.'"

8 Dolphin (p. 69): Bambaren writes that Daniel "was a dolphin like any other, but
9 with one big difference: He had chosen to follow his dream by believing in himself."

10 dd) Jonathan and Daniel both learn then teach that to find our real nature and purpose,
11 we must set aside the things that limit us and practice what we love:

12 JLS (p. 76): "[P]recision flying is a step toward expressing our real nature.
13 Everything that limits us we have to put aside. That's why all this high-speed
14 practice, and low-speed, and aerobatics . . ."

15 JLS (p. 83): "[W]hatever stands against that freedom must be set aside, be it . . .
16 limitation in any form."

17 Dolphin (pp. 22-23): "He understood what all the practice, all the hours spent
18 improving his technique and increasing his confidence and strength had been for . . .
19 In order to find the real purpose of his life, Daniel Dolphin had to set aside
20 everything that limited him."

21 ee) And:

22 JLS (p. 55): "'You will begin to touch heaven, Jonathan, in the moment that you
23 touch perfect speed.'"

24 Dolphin (p. 15): "[Y]ou will find the true purpose of your life the day you surf the
25 perfect wave."

26 ff) After Jonathan and Daniel have taught and shared what they have learned, they
27 both disappear:

28 JLS (p. 92): "A moment later Jonathan's body wavered in the air, shimmering, and
29 began to go transparent . . . The shimmering stopped. Jonathan Seagull had
30 vanished into empty air."

31 Dolphin (p. 75): "Then one day Daniel Dolphin disappeared into the vastness of his
32 beloved sea."

33 gg) After Jonathan and Daniel disappear, their students and followers carry on their
34 message of transcending limits and finding a higher purpose in life:

JLS (p. 93): “After a time, Fletcher Gull dragged himself into the sky and faced a brand-new group of students, eager for their first lesson.”

Dolphin (p. 75): “The seed of dreaming had been sown in their souls, and they knew that one day they would also find their way to turn dreams into reality”

hh) And:

JLS (p. 92): “You need to keep finding yourself . . . that real, unlimited Fletcher Seagull.”

Dolphin (p. 81): “He had finally rediscovered who he was, the real Michael Dolphin”

ii) At the end, Jonathan’s and Daniel’s prize students both say that they will meet their teachers (Jonathan, Daniel) again some day and teach them “a thing or two”:

JLS (p. 93): Jonathan’s prize student, Fletcher Lynd Seagull, says “Well then, the time’s not distant when I’m going to appear out of thin air on your beach, and show you a thing or two about flying!”

Dolphin (p. 81): Daniel’s prize student, Michael Benjamin Dolphin, says “Well then . . . I will find you one day, Daniel, and I will teach you a thing or two about surfing!”

jj) Both of the works end with Jonathan’s and Daniel’s prize students, Fletcher Lynd Seagull and Michael Benjamin Dolphin, starting their own journeys similar to the journeys of Jonathan Livingston Seagull and Daniel Alexander Dolphin:

JLS (p. 93, end of chapter): “His race to learn had begun.”

Dolphin (p. 75, end of chapter): “[T]heir journey to the land of dreams had begun.”

Verbatim Copying of Dialogue and Text from *JLS*

45. In addition to these point-for-point correspondences in the plots, incidents and story lines of *JLS* and *Dolphin* and the words and phrases used to describe them, there are several dozen passages of text and dialogue in *Dolphin* that are copied verbatim from *JLS*. Compare, for example:

a) *JLS* (p. 13), where Bach writes that Jonathan “narrowed his eyes in fierce concentration [and] held his breath,” with *Dolphin* (p. 3), where Bambaren writes that Daniel was “fighting hard to maintain an edge . . . holding his breath”;

- 1 b) *JLS* (p. 14), where Bach writes that **"More than anything else, Jonathan Livingston Seagull loved to fly,"** with *Dolphin* (p. 4), where Bambaren writes that **"more than anything else, Daniel Dolphin loved to surf";**
- 2
- 3 c) *JLS* (p. 14), where Bach writes **"This kind of thinking . . . is not the way to make one's self popular with other birds,"** with *Dolphin* (p. 4), where Bambaren writes that Daniel's **"way of thinking brought him problems with the pod";**
- 4
- 5
- 6 d) *JLS* (p. 14), where Jonathan says **"I just want to know what I can do in the air and what I can't, that's all,"** with *Dolphin* (p. 6), where Daniel says **"I just want to know what I can learn from the sea and surfing. That's all";**
- 7
- 8 e) *JLS* (p. 14), where Bach writes that **"Jonathan spent whole days alone, making hundreds of low-level glides,"** with *Dolphin* (p. 10), where Bambaren writes that Daniel **"spent whole days surfing the reef";**
- 9
- 10 f) *JLS* (p. 21), where Jonathan thinks "I am **a seagull like every other,**" with *Dolphin* (p. 70), where Bambaren writes that Daniel "knew he was **a dolphin like any other**";
- 11
- 12 g) *JLS* (p. 24), where Bach writes that Jonathan **"felt better for his decision,"** with *Dolphin* (p. 10), where Bambaren writes that **"Daniel felt good about his decision";**
- 13
- 14 h) *JLS* (p. 25), where Bach writes that Jonathan's **"fear was under control,"** with *Dolphin* (p. 28), where Bambaren says that Daniel had **"his fear under control";**
- 15
- 16 i) *JLS* (p. 26), where Bach writes that Jonathan's **"thought was triumph"** and *JLS* (p. 59) where he says **"there was victory in his voice,"** with *Dolphin* (p. 23), where Bambaren writes that **"there was triumph in [Daniel's] voice";**
- 17
- 18 j) *JLS* (p. 34), where Jonathan thinks "I want only to **share what I've found,**" with *Dolphin* (p. 69), where Bambaren writes that it was time for Daniel "to **share the truth he had found**";
- 19
- 20 k) *JLS* (p. 35), where Bach describes a seagull **"who finds and follows a meaning, a higher purpose for life,"** with *Dolphin* (p. 25), where Bambaren writes of a dolphin who tries **"to find a higher purpose in life,"** and *Dolphin* (p. 72), where he writes of Daniel's **"dream to find a higher purpose in life";**
- 21
- 22 l) *JLS* (p. 36), where Bach says that Jonathan **"lived a long fine life indeed,"** with *Dolphin* (p. 75), where Bambaren says that **"Daniel Alexander Dolphin lived a long fine life";**
- 23
- 24 m) *JLS* (p. 46), where Jonathan meets someone wise and then says, "'Very well' . . . **'who are you?,'**" with *Dolphin* (p. 14), where Daniel hears a wise voice and he says, **"Who are you?";**
- 25
- 26
- 27

- 1 n) *JLS* (p. 46), where Bach describes **“Jonathan gliding . . . through his beloved**
2 **sky,”** with *Dolphin* (p. 36), where Bambaren describes **“Daniel Dolphin . . .**
3 **traveling through his beloved sea”**;
- 4 o) *JLS* (p. 46), where Bach, describing words that Jonathan hears, says that **“The**
5 **words were strong and calm,”** with *Dolphin* (p. 45), where Bambaren,
6 describing words that Daniel hears, says that **“The words were strong and**
7 **calm”**;
- 8 p) *JLS* (p. 46), where Bach writes that when Jonathan met the two skilled fliers
9 **“Jonathan put them to his test,”** with *Dolphin* (p. 61), where Bambaren writes
10 that when Daniel met the two skilled surfers **“Daniel Dolphin decided to put**
11 **them to the test”**;
- 12 q) *JLS* (p. 47), where Jonathan is told **“you have learned. One school is finished,**
13 **and the time has come for another to begin,”** with *Dolphin* (p. 14), where
14 Daniel is told **“You have learned . . . and a new stage of life will now begin”**;
- 15 r) *JLS* (p. 47), where Bach writes that **“understanding lighted that moment for**
16 **Jonathan Seagull,”** with *Dolphin* (p. 23), where Bambaren writes that
17 **“understanding lit Daniel’s heart”**;
- 18 s) *JLS* (p. 47), where Bach writes that **“Jonathan Livingston Seagull rose . . . to**
19 **disappear into a perfect dark sky,”** and *JLS* (p. 46), where Bach writes that
20 Jonathan was **“gliding peaceful and alone through his beloved sky,”** with
21 *Dolphin* (p. 75), where Bambaren writes that **“Then one day [Daniel]**
22 **disappeared into the vastness of his beloved sea”**;
- 23 t) *JLS* (p. 53), where Bach writes that **“In the days that followed, Jonathan saw**
24 **that there was as much to learn about flight in this place as there had been in**
25 **the life behind him,”** with *Dolphin* (p. 10), where Bambaren writes that **“Daniel**
26 **learned fast in the days and weeks that followed,”** and *Dolphin* (p. 22), where
27 he writes that **“Daniel tried in the days that followed to understand”**;
- u) *JLS* (p. 54), where Bach writes that **“there is more to life than eating,”** with
Dolphin (p. 4), where Bambaren writes that **“there was more to life than**
fishing,” and *Dolphin* (p. 45), where he writes that **“there is more to life than to**
fish”;
- v) *JLS* (p. 58), where Bach writes **“. . . Jonathan said, and a strange light glowed**
in his eyes,” with *Dolphin* (p. 39), where Bambaren writes **“. . . Daniel said, and**
a magical light shone in his eyes”;
- w) *JLS* (p. 61), where Bach writes **“these were the last words,”** with *Dolphin* (p.
33), where Bambaren writes **“Those were her last words”**;

- 1 x) *JLS* (p. 63), where Jonathan says **"If our friendship depends on things like**
2 **space and time, then when we finally overcome space and time we've**
3 **destroyed our own brotherhood!"**, with *Dolphin* (p. 68), where Bambaren
4 writes **"Some things will always be stronger than time and distance"**;
5
6 y) *JLS* (p. 65), where Bach writes **"the voice was very kind,"** with *Dolphin* (p. 15),
7 where Bambaren writes **"with the kindest voice"**;
8
9 z) *JLS* (p. 65), where Bach writes **"There was no lying to this magnificent skillful**
10 **being,"** with *Dolphin* (p. 38), where Bambaren writes **"There was no way**
11 **Daniel could lie to this magnificent creature"**;
12
13 aa) *JLS* (p. 76), where Jonathan says **"Everything that limits us we have to put**
14 **aside. That's why all this high-speed practice,"** with *Dolphin* (pp. 22-23),
15 where Bambaren says that Daniel **"understood what all the practice . . . had**
16 **been for"** and that **"In order to find the real purpose of his life, Daniel**
17 **Dolphin had to set aside everything that limited him"**;
18
19 bb) *JLS* (pp. 77, 78 and 83), where Bach refers to **"the Law of the Flock,"** with
20 *Dolphin* (p. 22), where Bambaren refers to **"the Law of the pod"**;
21
22 cc) *JLS* (p. 63), where Jonathan says **"I must go back,"** and *JLS* (p. 77), where
23 Jonathan decides that **"the time had come to return to the Flock,"** with *Dolphin*
24 (p. 69), where Daniel decides that **"it was time to go back"**;
25
26 dd) *JLS* (p. 82), where Jonathan is asked, **"Are you saying I can fly?"** with *Dolphin*
27 (p. 41), where Daniel is asked, **"Are you saying I can dream again?"**, and
Dolphin (p. 73), where he is asked, **"Are you saying we can be as happy as you**
are?"";
ee) *JLS* (p. 83), where Jonathan answers, **"I say you are free,"** with *Dolphin* (p.
73), where Daniel answers, **"I'm telling you that you can be as happy as you**
wish"";
ff) *JLS* (p. 83), where Jonathan is told, **"You are special and gifted and divine,**
above other birds"" with *Dolphin* (p. 71), where Daniel is told **"you're special"**;
gg) *JLS* (p. 83), where Jonathan answers, **"No more than you are, no more than I**
am"" with *Dolphin* (p. 69), where Bambaren writes that Daniel was **"a dolphin**
like any other";
hh) *JLS* (p. 90), where Jonathan's student, Fletcher Lynd Seagull, returns from the
"dead" (**"He lives! He that was dead lives!"**) with *Dolphin* (p. 71), where
Daniel Alexander Dolphin returns from the **"dead"** (**"Was that Daniel, the one**
lost on the outer reef? Wasn't he dead?");

- 1 ii) *JLS* (p. 91), where Jonathan, speaking to his prize student, says, "**I remember a**
 2 **fierce young bird for instance, Fletcher Lynd Seagull . . . ready to fight the**
 3 **Flock,**" with *Dolphin* (p. 6), where Daniel, speaking to his prize student, says,
 4 "**I remember a young and strong Michael Dolphin, who could stare at the**
 5 **waves**";
- 6 jj) *JLS* (p. 91), where Bach refers to a seagull "**building his own bitter hell,**" with
 7 *Dolphin* (p. 73), where Bambaren refers to "**building our own world of false**
 8 **treasures**";
- 9 kk) *JLS* (p. 92), where Jonathan urges his student to "**keep finding yourself . . . that**
 10 **real, unlimited Fletcher Seagull,**" with *Dolphin* (p. 81), where Bambaren writes
 11 that Daniel's student has "**discovered who he was, the real Michael Dolphin**
 12 **within himself**";
- 13 ll) *JLS* (93), where Bach writes of Jonathan that "**more than liked, he loved what it**
 14 **was he saw**" with *Dolphin* (p. 69), where Bambaren writes of Daniel that "**more**
 15 **than liking it, he loved what he saw,**" and *Dolphin* (p. 70), where Bambaren
 16 writes that Daniel "**loved what he saw**";
- 17 mm) *JLS* (p. 93), where Jonathan's student, Fletcher, says "**Well then, the time's not**
 18 **distant when I'm going to appear out of thin air on your beach, and show you**
 19 **a thing or two about flying!**" with *Dolphin* (p. 81), where Daniel's student,
 20 Michael says, "**Well then . . . I will find you one day, Daniel, and I will teach**
 21 **you a thing or two about surfing!**"
- 22 nn) *JLS* (p. 93), where Bach writes in the last sentence of the book, "**His race to**
 23 **learn had begun,**" with *Dolphin* (p. 75), where Bambaren writes in the last
 24 sentence of the book other than a two-page epilogue, that "[T]heir journey to the
 25 **land of dreams had begun.**"

Bach's Discovery of The Dolphin

26 46. Bach first learned of Bambaren's work *The Dolphin* in October 2009, as the result
 27 of publicity surrounding the release of a new animated film based on *The Dolphin* that compared
 28 *The Dolphin* to *JLS*. Prior to October 2009, Bach had never heard of Bambaren or his work.

Bambaren's False Statements About Purported Contacts with Bach

29 47. On his official blog, www.sergiobambarenblog.com, Bambaren was asked in
 30 early February 2009 to explain the uncanny similarities between *Dolphin* and *JLS*. In response,
 31 Bambaren wrote that he had met Bach and that Bach had invited him to Polynesia where,
 32 according to Bambaren, Bach lived. (www.sergiobambarenblog.com/?p=151) ("Cuando conocí

1 a Richard Bach, el cual me invitó a la Polinesia”). Bambaren said that Bach thanked him,
 2 Bambaren, for writing *Dolphin*. (*Id.*) (“me agradeció por haber escrito El Delfín”)

3 48. Bambaren was also quoted in an article published in Lima in late January or early
 4 February 2009, as stating that “I wrote Bach a letter asking forgiveness but clarifying that it had
 5 not been my intention to make it similar.” (www.ferialibrotrujillo.com/prens.php?id=32) (“[L]e
 6 escribí una carta pidiéndole disculpas pero aclarándole que no había sido mi intención hacerlo
 7 parecido”). As quoted in the article, Bambaren repeated his false statement that Bach “invited
 8 me to his house in Polynesia,” which Bambaren said was “the only place that allows someone
 9 over 80 years old to fly.” (*Id.*) (“Me invitó a su casa en la Polinesia – el único lugar donde
 10 permiten volar a alguien mayor de 80 años.”) Bambaren was further quoted as stating that the
 11 “*great difference*” between his work and Bach’s was simply that Bach’s passion in *JLS* was for
 12 the air, whereas Bambaren’s passion in *Dolphin* was for the sea. (*Id.*) (“[C]omprendí que su
 13 pasión por el aire era la misma que la mía por el mar. Ésa es la *gran diferencia* entre El Delfín y
 14 Juan Salvador Gaviota.”) (Emphasis added.)

15 49. All of these statements by Bambaren are false. Bach has never spoken to
 16 Bambaren and had never heard of him or his work until October 2009, when Bach discovered
 17 Bambaren’s infringement of *JLS*. Bach has never lived in or even visited Polynesia. Bach is less
 18 than 80 years old and he continues to fly avidly as a licensed pilot in the United States. Most
 19 importantly, Bach certainly never blessed, authorized or approved of Bambaren’s infringements
 20 of the *JLS* copyrights.

21 **Animated Film and Other Derivative Works Based on *The Dolphin***

22 50. Bambaren’s work, *The Dolphin*, was recently made into an animated film, also
 23 called *The Dolphin*, distributed by Twentieth Century Fox. The Spanish version of the *Dolphin*
 24 film was released in October 2009 and has been distributed throughout Latin America. The
 25 English version was released in the United States on December 11, 2009. The *Dolphin* film has
 26 been submitted for consideration for an Academy Award for best animated film in 2009.

1 Bambaren's work, *The Dolphin*, is also the basis for a sequel book by Bambaren, entitled
2 *Dolphin II*.

3 51. Bambaren's profits from these derivative works are the result of his infringing
4 book, *The Dolphin*, because they are adapted from it and it was a necessary and procuring cause
5 of him obtaining his contracts for production, publication and distribution of these derivative
6 works.

7 **V. CLAIMS FOR COPYRIGHT INFRINGEMENT**

8 52. Bach realleges and incorporates by reference the allegations set forth above.

9 53. Bach holds the exclusive rights to copy *Jonathan Livingston Seagull* and/or to
10 create, or to authorize others to create, derivative works such as *The Dolphin* copied and/or
11 derived from *Jonathan Livingston Seagull*.

12 54. Bambaren's work, *The Dolphin*, published by Hay House in the United States and
13 by other publishers in other countries, is substantially similar to *Jonathan Livingston Seagull* by
14 reason of its use of the characters, theme, narrative arc, structure, format, plot, mood, setting,
15 pace, detailed plot and story line, incidents, dialogue, and text of *Jonathan Livingston Seagull*,
16 virtually point-by-point, and often word-for-word.

17 55. Bambaren's work, *The Dolphin*, published by Hay House in the United States and
18 by other publishers in other countries, is an unauthorized derivative work of *Jonathan Livingston*
19 *Seagull*.

20 56. Defendants have infringed Bach's exclusive copyright interest in *Jonathan*
21 *Livingston Seagull* under the Copyright Act and any other applicable copyright law.

22 57. Defendants are jointly and severally liable for these copyright infringements of
23 Bach's work, *Jonathan Livingston Seagull*, for all editions of *The Dolphin* published by Hay
24 House and for all foreign editions licensed or sublicensed by or through Hay House.
25
26
27

1 58. Bambaren is further liable for these copyright infringements of Bach's work,
2 *Jonathan Livingston Seagull*, for all foreign editions of *The Dolphin* published under separate
3 contracts or licensing agreements not involving Hay House.

4 59. As a direct and proximate result of these intentional infringing acts, Bach has been
5 injured and damaged in an amount presently unknown and to be determined by time of trial.

6 **VI. JURY DEMAND**

7 60. Pursuant to Federal Rule of Civil Procedure 38(b), Bach demands a trial by jury
8 as to all issues so triable in this action.

9 **VII. PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff respectfully requests that the Court enter judgment as follows:

11 1. Declaring that Defendants' conduct alleged herein violates Plaintiff's exclusive
12 rights under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and any other applicable copyright law,
13 to copy and/or to create, or to authorize others to create, derivative works based on the work
14 *Jonathan Livingston Seagull*;

15 2. Permanently enjoining Defendants, and each of them, and all persons acting at
16 their direction or pursuant to their control, from publishing, advertising, selling or otherwise
17 distributing or disseminating *The Dolphin* in or to the United States;

18 3. Ordering that Defendants destroy all copies of *The Dolphin* in their possession,
19 custody or control;

20 4. Granting Plaintiff, at his election, actual damages and/or Defendants' direct and
21 indirect profits, in an amount to be determined at trial, or statutory damages;

22 5. Granting Plaintiff prevailing party attorney's fees and related costs incurred in this
23 action pursuant to 17 U.S.C. § 505 and any other applicable law; and

24 6. Granting Plaintiff such other and further relief as the Court deems just and proper.
25
26
27

1 DATED this 16th day of December, 2009.

2 Respectfully submitted,

3 PHILLIPS LAW GROUP, PLLC

4 By: Matthew Geyman
5 John W. Phillips, WSBA #12185
6 Matthew Geyman, WSBA #17544

7 Attorneys for Plaintiff Richard Bach
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EXHIBIT A

Application for Registration of a Claim to Copyright

In a published book manufactured in the United States of America

CLASS	REGISTRATION NO.
AA	188311
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Make sure that all applicable spaces have been filled in before you submit the form. The application must be signed at line 10 and the AFFIDAVIT (line 15) must be signed until after the date of publication given in line 4, and must state the facts which existed on that date. For further information, see page 4.

Pages 1 and 2 should be typewritten or printed with pen and ink. Pages 3 and 4 should contain exactly the same information as pages 1 and 2, but may be carbon copies. Mail all pages of the application to the Register of Copyrights, Library of Congress, Washington, D.C. 20540, together with 2 copies of the best edition of the work and the registration fee of \$6. Make your remittance payable to the Register of Copyrights.

Copyright Claimant(s) and Address: Give the name(s) and address(es) of the copyright owner(s). Ordinarily the name(s) should be the same as in the notice of copyright on the copies deposited.

Name: Richard D. Bach
Address: 11 Route 7, Ollumwa, Iowa 52501

Title: JONATHAN LIVINGSTON SEAGULL by Richard Bach Photographs by Russell Munson
(Give the title of the book as it appears on the title page.)

Authors: Citizenship and domicile information must be given. If a work was made for hire, the employer is the author. The citizenship of organizations formed under U.S. Federal or State law should be stated as U.S.A. Authors may be editors, compilers, translators, illustrators, etc., as well as authors of original text. If the copyright claim is based on new matter (see line 5), give requested information about the author of the new matter.

Name: Richard D. Bach
Address: Route 7, Ollumwa, Iowa 52501
Citizenship: USA

Name: Russell Munson
(Give legal name followed by pseudonym if latter appears on the copies)

Published in U.S.A.: Yes Address: 6 East 39th St., New York, N.Y. 10016

Name: Murray Printing Co.
(Give legal name followed by pseudonym if latter appears on the copies) Citizenship: USA (Name of country)

Published in U.S.A.: Yes Address: 6 East 39th St., New York, N.Y. 10016
Date of Publication of This Edition: September 25, 1970
(Give the complete date) printed should not be confused with the date of publication.
NOTE: The full date (month, day, and year) must be given. For further information, see page 4.

State: Iowa
City: Ollumwa
County: Wright
Country: USA

(NOTE: Leave line 5 blank unless the following instructions apply to this work.)
New Matter in This Version: If any substantial part of this work has been previously published anywhere, give a brief, general statement of the nature of the new matter published for the first time in this version. New matter may consist of compilation, translation, abridgment, editorial revision, and the like, as well as additional text or pictorial matter.

NOTE: Leave line 6 blank unless there has been a PREVIOUS FOREIGN EDITION in the English language.

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Your answer is "Yes," give registration number _____

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 866 Third Ave. New York, N.Y. 10022

8. Send certificate to:

Name and address of person or organization to whom certificate should be sent:
 The Macmillan Company
 866 Third Ave. New York, N.Y. 10022

Name and address of person or organization to whom certificate should be sent:
 New York, New York, New York, 10022

9. Certification: (NOTE: Application not receivable unless filed)

I CERTIFY that the statements made by me in this application are correct to the best of my knowledge.

(Signature of copyright claimant or duly authorized agent)
 The undersigned, deposes and swears that I am the author of the work described in the application, and that I am the owner of the copyright in the work described in the application.

NOTE: The affidavit must be signed and notarized only on or after the date of publication or completion of printing which it describes. The affidavit must be signed by an individual.

STATE OF New York

COUNTY OF New York

That the book was published or the printing was completed on (X) September 25, 1970

That, of the various processes employed in the production of the copies deposited, the setting of the type was performed within the limits of the United States or the making of the plates was performed within the limits of the United States from type set within the limits of the United States or the lithographic or photoengraving processes used in producing the text were wholly performed within the limits of the United States and that the printing of the text and the binding (if any) were also performed within the limits of the United States. That the setting, platemaking, lithographic or photoengraving process, printing, and binding were performed by the following establishment and individuals at the following addresses:

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Names (X) Murrays Printing Co., 12-1122-14, New York, N.Y.

Waterfield, Mass.

Brattleboro, Vermont

(Signature of claimant)

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RENEWAL CLAIMANT(S), ADDRESS(ES), AND STATEMENT OF CLAIM ▼ (See Instructions)

1

Name Richard Bach

1 Address c/o Simon & Schuster, Inc. 1230 Avenue of the Americas, New York, N. Y. 10020

Claiming as Author

(See appropriate statement from instructions)

2 Name

Address

Claiming as

3 Name

Address

Claiming as

2

TITLE OF WORK IN WHICH RENEWAL IS CLAIMED ▼

Jonathan Livingston Seagull

RENEWABLE MATTER ▼
PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or other composite work, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼

Number ▼

Issue Date ▼

3

AUTHOR(S) OF RENEWABLE MATTER ▼

Richard D. Bach

Russell Munson

4

ORIGINAL REGISTRATION NUMBER ▼ ORIGINAL COPYRIGHT CLAIMANT ▼

A 188311

Richard D. Bach

ORIGINAL DATE OF COPYRIGHT

If the original registration for this work was made in published form, give:

DATE OF PUBLICATION

9-25-70

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OR If the original registration for this work was made in unpublished form, give

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(Month)

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• Sign the form at space 7.

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Page 1 of 2 page

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FORM RE

JUN. 11. 1998

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1	Title of Contribution:	Title of Periodical:	Vol:	No:	Issue Date:
	Date of Publication:	Registration Number:			
	(Month) (Day) (Year)				
2	Title of Contribution:	Title of Periodical:	Vol:	No:	Issue Date:
	Date of Publication:	Registration Number:			
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3	Title of Contribution:	Title of Periodical:	Vol:	No:	Issue Date:
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	(Month) (Day) (Year)				

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Name Simon & Schuster Inc.Account Number DA066001

CORRESPONDENCE: Give name and address to which correspondence about this application should be sent.

Name Mable JacksonAddress 1833 Broadway - 6th floorNew York, NY
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(State)10019-6785
(ZIP)Area Code and Telephone Number (212) 854-7409Be sure to
give your
daytime phc
number

CERTIFICATION* I, the undersigned, hereby certify that I am the: (Check one)

☐ renewal claimant ☒ duly authorized agent ofRichard Bach

(Name of renewal claimant)

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name ▼

Kathleen Nolan

Date ▼

3-31-98

Handwritten signature (X) ▼

*Kathleen Nolan*MAIL
CERTIFI-
CATE TOCertificate
will be
mailed in
window
envelopeName ▼ Mable Jackson
SIMON & SCHUSTER INC.Bach, Richard
Box 2045Number/Street/Apt ▼
1833 BROADWAY - 6TH FLOORCity/State/ZIP ▼
NEW YORK CITY, NY 10019-6785

YOU MUST

- Complete all necessary spaces
- Sign your application in space 7

SEND ALL ELEMENTS
IN THE SAME PACKAGE:

1. Application form
2. Nonrefundable \$20 filing fee in check or money order payable to Register of Copyrights

MAIL TO

Register of Copyrights
Library of Congress
Washington, D.C. 20559The Copyright Office
the authority to set
fees at 5-year intervals
based on changes in
Consumer Price Index.
The next adjustment
due in 1998. For
Office after July 1998
determine the actual
schedule.

*17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

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